

FLOOR SCHEDULE FOR THURSDAY, FEBRUARY 25, 2016

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
<b>10:00 a.m.: Morning Hour</b> <b>12:00 p.m.: Legislative Business</b>  <b>Fifteen "One Minutes"</b>	<b>3:00 – 3:30 p.m.</b>	<b>3:30 – 4:00 p.m.</b>

**\*\*Members are advised that the House will only consider the Rule and General Debate for H.R. 2406 today. Amendment debate for H.R. 2406 will occur tomorrow.**

**H.Res. 619 – Rule providing for consideration of H.R. 2406 – Sportsmen’s Heritage and Recreational Enhancement (SHARE) Act (Rep. Wittman – Natural Resources) (One hour of debate).** The Rules Committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Natural Resources. The Rule allows for 17 amendments, debatable for 10 minutes equally divided between the offeror and an opponent. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

The Rules Committee also rejected a motion by Mr. McGovern of Massachusetts to consider H.R. 2406 under an open Rule. **Members are urged to VOTE NO.**

**H.R. 3624 – Fraudulent Joinder Prevention Act of 2015 (Rep. Buck – Judiciary) (One hour of debate).** While House Republicans argue this bill targets outdated and inflexible federal judicial rules that favor plaintiffs over defendants with respect to court jurisdiction, in actuality it will place further burdens on an already clogged federal judiciary and make it more difficult for plaintiffs to exercise their legal right to choose the judicial forum in which to pursue their claims.

Under current federal procedures, plaintiffs can choose to bring certain claims in state or federal court. In many cases, plaintiffs view state courts as more favorable due to location, timing, or their limited resources, while defendants, typically corporations, prefer federal courts. In such cases, federal courts determine which jurisdiction is proper. H.R. 3624 turns this simple, preliminary, procedural decision into a drawn-out mini-trial in which the defendants are given the right to engage the court on the merits of the decision. Additionally, the bill removes the defendant’s responsibility to prove proper jurisdiction, which will place new burdens on our already clogged federal court system, and lead to a delay in justice for plaintiffs.

H.R. 3624 proposes to amend a well-established, century-old legal doctrine called the “fraudulent joinder doctrine,” which offers guidance on whether a legal case belongs in a state court or a federal court. Under this doctrine, a federal court has the authority to send, or remand, a legal matter involving more than one defendant to a state court provided at least one defendant named in the legal matter is a citizen of the same state as the plaintiff filing the suit and there is reasonable basis under state law for a claim against the defendant. Despite its name, the bill does not target “fraud” as the term is commonly understood, but instead targets the judicial rules for determining whether a particular case belongs in a state court or a federal court.

The effect of H.R. 3624, would be to make it easier for corporations named as defendants in a lawsuit to have the case heard in a federal court (where cases are more expensive and take longer) while making it more difficult for workers, consumers, and patients generally to have their cases heard closer to home in state courts. “The Fraudulent Joinder Prevention Act” is just another in a long series of Republican efforts to upset long-settled judicial practice and tilt the civil justice playing field in favor of big corporations and against individuals who are trying to hold corporations accountable.

H.R. 3624 transforms a simple procedural decision into a complicated merits-based inquiry that is expensive, overly time-consuming, and an unnecessary waste of federal judicial resources. This bill is the latest in a series of House Republican efforts to amend century-old Federal judicial procedures to constrain plaintiffs in favor of corporate defendants with deep pockets and seemingly endless resources.

In the Statement of Administration Policy, the President's senior advisors stated that they would recommend he veto this bill. **Members are urged to VOTE NO.**

The Rule which was adopted yesterday, makes in order 2 amendments, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

**Buck Manager's Amendment.** Makes technical changes to the bill; striking references to multiple defendants and replacing them with references to single defendants.

**Cartwright Amendment.** Creates an exception for plaintiffs seeking compensation resulting from the bad faith of an insurer.

**Bill Text for H.R. 3624:**

[PDF Version](#)

**Background for H.R. 3624:**

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

**Begin Consideration of H.R. 2406 – Sportsmen's Heritage and Recreational Enhancement (SHARE) Act (Rep. Wittman – Natural Resources).** This bill would require the Interior Department and the U.S. Forest Service to provide access to lands managed by those agencies for hunting, fishing, and recreational shooting. The bill also increases the allocation of excise taxes that are currently collected on firearms and ammunition to the construction or expansion of new target ranges. Additionally, the bill blocks the Administration's rule to restrict trade in elephant ivory and allows the importation into the U.S. of polar bear hunting trophies taken prior to when polar bears were listed as threatened under the Endangered Species Act. The measure also amends the Toxic Substances Control Act (TSCA) to prohibit the Environmental Protection Agency (EPA) from regulating lead contained in bullets, angling lures, and other hunting and fishing equipment. Lastly, the bill would prevent the Army Corps of Engineers from restricting firearms on Corps properties.

The Rule makes in order 17 amendments, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

**Wittman Manager's Amendment.** Deletes Title XII which has been enacted into law already, removes outdated year references in short titles, makes expenditures under the Federal Land Transaction Facilitation Act subject to appropriation, and adds the text of [H.R. 3279](#), as passed by the House on a voice vote, as a new title XVII.

**Beyer Amendment #2.** Prevents an individual who is prohibited from possessing a firearm by the Gun Control Act from using a public target range.

**Jackson-Lee Amendment.** Strikes Title III of the underlying bill. Title III would allow the importation of polar bear trophies taken in sport prior to the listing of the species as threatened under the Endangered Species Act.

**Bustos Amendment.** Adds the Administrator of U.S. Small Business Administration or a designated representative to the membership of the Wildlife and Hunting Heritage Conservation Council Advisory Committee created by the bill.

**Smith (MO) Amendment #5.** Requires hunting closures on public lands to be clearly marked with signs and the dates of closures, but prohibits any physical barriers to restrict access (such as gates or chains).

**Meng Amendment.** Permits more than one U.S. Fish and Wildlife Service Law Enforcement Officer to be placed in a U.S. diplomatic or consular post in an African country with a significant population of African elephants in order to assist local wildlife rangers in the protection of such elephants.

**Huffman Amendment #7.** Requires the Government Accountability Office (GAO) to conduct a study examining the effect of a ban of the trade of fossilized ivory from mammoths and mastodons on the illegal importation and trade of African and Asian elephant ivory within the United States.

**Beyer Amendment #8.** Strikes language in the underlying bill that requires state approval of federal fishing regulations in waters under the jurisdiction of the National Park Service and the Office of National Marine Sanctuaries.

**Smith (MO) Amendment #9.** Prohibits Forest Service from issuing restrictions and regulations on hunting and recreational fishing in the Mark Twain National Forest in Missouri.

**Newhouse Amendment.** Requires the Chief of the U.S. Forest Service to publish a notice and justification in the Federal Register if the agency closes any public road on Forest System lands.

**Fleming Amendment.** Requires the Forest Administrator to amend the travel plan for the Kisatchie National Forest in Louisiana to allow Utility Terrain Vehicle (UTV) access on roads nominated by the Secretary of Louisiana Wildlife and Fisheries, except when such designation would pose an unacceptable safety risk. If a road is denied, the Forest Administrator must publish a notice in the Federal Register with a justification for the closure.

**Griffith Amendment.** Allows a person who is not prohibited from possessing, transporting, shipping, or receiving a firearm or ammunition to transport such firearm or ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport these items to any other such place if, during the transportation, the firearm is unloaded.

**Heck/Hardy/Amodei Amendment.** Adds the text of [H.R. 373](#), the Good Samaritan Search and Recovery Act, to the end of the bill. Expedites access to federal lands for volunteer search and rescue groups to assist in recovering the remains of a deceased individual believed to be located on

federal lands.

**Ribble/Lummis/Benishek/Peterson Amendment.** Reissues the 2011 U.S. Fish and Wildlife Service decision to delist the gray wolf in the Western Great Lakes and Wyoming from the Endangered Species Act.

**Young (AK) Amendment.** Prohibits the Fish and Wildlife Service from issuing a final rule that restricts hunting and trapping on federal lands in Alaska. Withdraws a final rule issued by the National Park Service on the same issue.

**Huffman Amendment #16.** Designates the Coastal Plain of the Arctic National Wildlife Refuge as a federal wilderness area and a part of the National Wilderness Preservation System.

**Lowenthal Amendment.** Authorizes the Department of Interior, after public comment and if approved unanimously by the Migratory Bird Conservation Commission, to raise the price of the Migratory Bird Hunting and Conservation Stamp ("Duck Stamp") by the rate of inflation, in order to preserve waterfowl habitat.

***Bill Text for H.R. 2406:***

[PDF Version](#)

***Background for H.R. 2406:***

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

## **TOMORROW'S OUTLOOK**

The GOP Leadership has announced the following schedule for Friday, February 26: The House will meet at 9:00 a.m. for legislative business. The House is expected to complete consideration of H.R. 2406 – Sportsmen's Heritage and Recreational Enhancement (SHARE) Act (Rep. Wittman – Natural Resources).

### **The Daily Quote**

"House Republican leaders are struggling to win enough GOP support to pass a budget this year in the face of conservative opposition to the size of the fiscal blueprint. Failure to pass a budget resolution would deal an embarrassing blow to House GOP leaders in an election year, when they are trying to minimize any messy legislative fights that could weaken their chances of retaking the White House in November. Budget resolutions don't get signed into law by the president, but the spending blueprints are considered important markers of each party's top priorities for the year."

- Wall Street Journal, 2/24/2016